

New Hampshire Council on Resources and Development

Office of Energy and Planning
57 Regional Drive, Concord, NH 03301
Voice: 603-271-2155 | Fax: 603-271-2615



TDD Access: Relay NH
1-800-735-2964

MEMORANDUM

TO: CORD Members and Other Interested Parties Michael Cryans, Chairman
Grafton County Board of Commissioners
3855 Dartmouth College Highway, Box 1
North Haverhill, NH 03774

Ronald Taksar, Chairman
Franconia Board of Selectmen
PO Box 900
421 Main Street
Franconia, NH 03580

Mike King, Executive Director
North Country Council
The Cottage on the Rocks
107 Glessner Road
Bethlehem, NH 03574-5800

FROM: Peter S. Helm, Principal Planner

DATE: June 21, 2006

SUBJECT: *State Owned Land, Surplus Land Review, Town of Franconia
SLR 06-008*

RESPONSE DATE: July 24, 2006

Please review the attached information to determine if your agency has any interest in this transaction. If there is an interest, please notify this office of your intent in writing by the response date indicated above. The Council on Resources and Development may consider the request at its next meeting. If the comment period has not closed, any actions will be subject to completion of the comment period with no adverse comments received.

The Department of Cultural Resources is asked to review this request in accordance with RSA 227-C:9.

Members of the Public Water Access Advisory Board are asked to review this request in accordance with RSA 233-A.

The Lakes Management and Protection Program, through the Lakes Coordinator, is asked to review this request in accordance with RSA 483-A:5, II.

The Rivers Management and Protection Program, through the Rivers Coordinator, is asked to review this request in accordance with RSA 483:8, VI and 14.

STATE OF NEW HAMPSHIRE

INTER-DEPARTMENT COMMUNICATION

FROM: George M. Bald
Commissioner
Dept. of Resources & Economic
Development

DATE: June 19, 2006

SUBJECT: Proposed Well Easement located on Franconia Notch State Park for the Franconia/Mittersill Community

TO: Amy Ignatius, Chairman
Council on Resources and Development

REQUESTED ACTION:

Pursuant to RSA 4:40, and RSA 216-A:3, authorization is respectfully requested for the Department of Resources and Economic Development (DRED) to grant an easement in perpetuity to the Franconia/Mittersill Water Department. The requested easement, situated within the limits of Franconia Notch State Park, Franconia, NH, would allow the Water Department to maintain a community well having a 150' protective radius, access road to the site, a pump house and a water line/electric line.

EXPLANATION:

In an effort to meet the expanding water needs of the area, the Franconia/Mittersill Water Department has requested that DRED allow them to maintain/operate a community well, along with the above specified rights located within the confines of Franconia Notch State Park.

The Water Department has drilled a number of test wells at various sites situated outside the limits of the State Park. Unfortunately, the results have proven unacceptable. The opportunity to find a viable site in the area that is not situated on government land is somewhat limited as a significant amount of land in this specific location is held by either the State or Federal government.

We have reviewed the suggested site and feel that granting the easement would have little to no impact on the current or future operational plans of this Department.

We have attached the formal request and accompanying plans made on behalf of the Water Department by HydroSource Associates, Inc.

Please screen this request through the New Hampshire Council on Resources and Development. If you should have any questions, please contact Bill Carpenter at 271-2214.

Thank you.

Council on Resources and Development

REQUEST FOR SURPLUS LAND REVIEW ACTION

Name of Agency Requesting Action: Department of
Resources and Economic
Development

Location of Property:
Franconia Notch State Park,
Franconia, NH

Acreage: 6693-acre state reservation

Tax Map/Lot #: unknown

Requested Action: Grant an Easement in Perpetuity to the Franconia/Mittersill Water
Dept to meet community's water needs

Agency Contact Person: Bill Carpenter @ 271-2214 #318

Please provide the following information, if known, about the property. Attach map(s)
showing the location of the property.

- 1. What is the current use for this property? :** State Park/Ski Area/Campground
- 2. What is the proposed use of this property?:** No change
- 3. Are there any structures located on this property? If so, how many and what kind? :** Yes. There are a significant number of buildings located throughout the State Park.
- 4. Are there any water resources related to this property? If so, please indicate the size or extent of such resources. :** Yes. Echo Lake, Profile Lake, Pemigewasset and it's tributaries.
- 5. Please list any other significant resources known to be located on this property.**
Ski Areas/Numerous Hiking Trails/ Campground/Flume etc.
- 6. Was this property purchased with federal highway funds? Yes ____ No X**
- 7. Is access to this property available? Yes X No _ _**
- 8. Request has been cleared for Historic Resources? Yes _ No X**
Recommended by DHR that an Archaeological Site analysis be conducted.



Hydrosource Associates, Inc.

50 Winter Street • Ashland, NH 03217
telephone (603) 968-3733 • fax (603) 968-7605
e-mail: info@teamhydrosource.com • website: www.teamhydrosource.com

June 15, 2006

Mr. Ron Duddy
NH Department of Resources and Economic Development
P. O. Box 1856
Concord, NH 03302

Dear Mr. Duddy:

I am writing on behalf of the Franconia/Mittersill Water Department in Franconia to request State of New Hampshire permission to use a water well that was drilled on land within the Franconia Notch State Park. The well, known as PW-4, is south of Route 18 about a mile west of Echo Lake (Figure 1). The well site is about 600 feet east of the boundary between Franconia Notch State Park and the Mittersill residential development (Figure 2).

Well PW-4 was drilled in April of 2002, under the mistaken belief that it was on land for which the Department had retained the right to site a well. The Department is seeking permission to use the well as part of its community water supply, and also seeks a use easement on a sanitary protective area within 150 feet of the well. This perpetual easement would guarantee that no activities beyond those necessary for maintenance of the well as a public water supply would be undertaken on the land area inside the 150-foot radius. The Department must submit documentation to the Department of Environmental Services (DES) that shows it has control of the protective radius surrounding the well, as part of the process of obtaining approval from DES for use of the well as a public drinking water supply.¹

The Franconia/Mittersill Water Department has been short of water for many years. The yields of the two existing production wells on the ski slopes south of the development turned out to be lower than expected. In some recent years, the Department

¹ The requirement is contained in Env-Ws 378, Site Selection of Small Production Wells for Community Water Systems. The purpose of the sanitary protective area is "to provide an area in the immediate vicinity of the well within which there is minimal risk of groundwater contamination" (Env-Ws 378.06(a)). The portion of the regulation dealing with control of the sanitary protective area is Env-Ws 378.06(d), which states that "the water supplier shall own the land within the sanitary protective area, provided however, that if the supplier does not own the land, the supplier shall control the land by perpetual easement." Env-Ws 378.06(j) states that "documentation of legal control [of] the sanitary protective area shall be provided in the final report." Also relevant is Env-Ws 378.06(e), which states that "the sanitary protective area shall be maintained in a natural state except for structures and activities necessary for the maintenance of the well that do not pose a contamination risk to groundwater."


has been forced to truck water during drought periods, or to withdraw untreated water from Meadow Brook. The Department has attempted to improve its water supply by drilling test wells at several other locations, but without success. Because so much of the land in the area surrounding the development is owned by the State of New Hampshire or the Forest Service, the Department has no practical alternative well locations on its own property that have not already been tested by drilling. Testing of Well PW-4 has indicated that the well is capable of supplying sufficient water to make up the Department's shortfall, and that the quality of the water meets current regulatory standards for community water supplies.

Engineering details associated with connection of the well to the distribution system have not been finalized. It is possible that a pump house would be constructed within the 150-foot radius, but other alternatives that require no construction within the protective radius are also possible. In any event, DES requires that no activity other than that necessary for maintenance of the well be conducted within the protective radius. The proposed easement restrictions would appear compatible with State goals in managing the Franconia Notch State Park.

The Mittersill Water Department is seeking several things from the State: a perpetual use easement on the 150-foot sanitary protective radius surrounding Well PW-4 (restricting use to activities related to operation and maintenance of the well); the right to use the portion of the existing access road that does not fall within the 150-foot radius to gain access to the well from Mittersill Road (Figure 2); and the ability to install and maintain water line and electric power for the well pump along a corridor between the well and the nearest practical connection point to the system. Note that water line already exists between the Mittersill system and an emergency surface water withdrawal point on Meadow Brook just northeast of the well. Approval was given for installation of this withdrawal by State Park staff several years ago during a water emergency. The water line passes through the northwest portion of the protective radius, and then runs west along the edge of Mittersill Road to the development. Thus, connection of Well PW-4 to the distribution system should require minimal disturbance of previously undisturbed ground.

I trust that this letter will give the Department of Resources and Economic Development the information it needs to proceed. Please call me if you have any questions.

Sincerely,


Fred E. Bickford
Hydrogeologist

cc: Commissioners, Mittersill Water Department
Rick Skarinka, DES

**Figure 1- Mittersill Well PW-4
Franconia Notch State Park, Franconia, NH**

Topographic base: 1967 Franconia, NH quadrangle

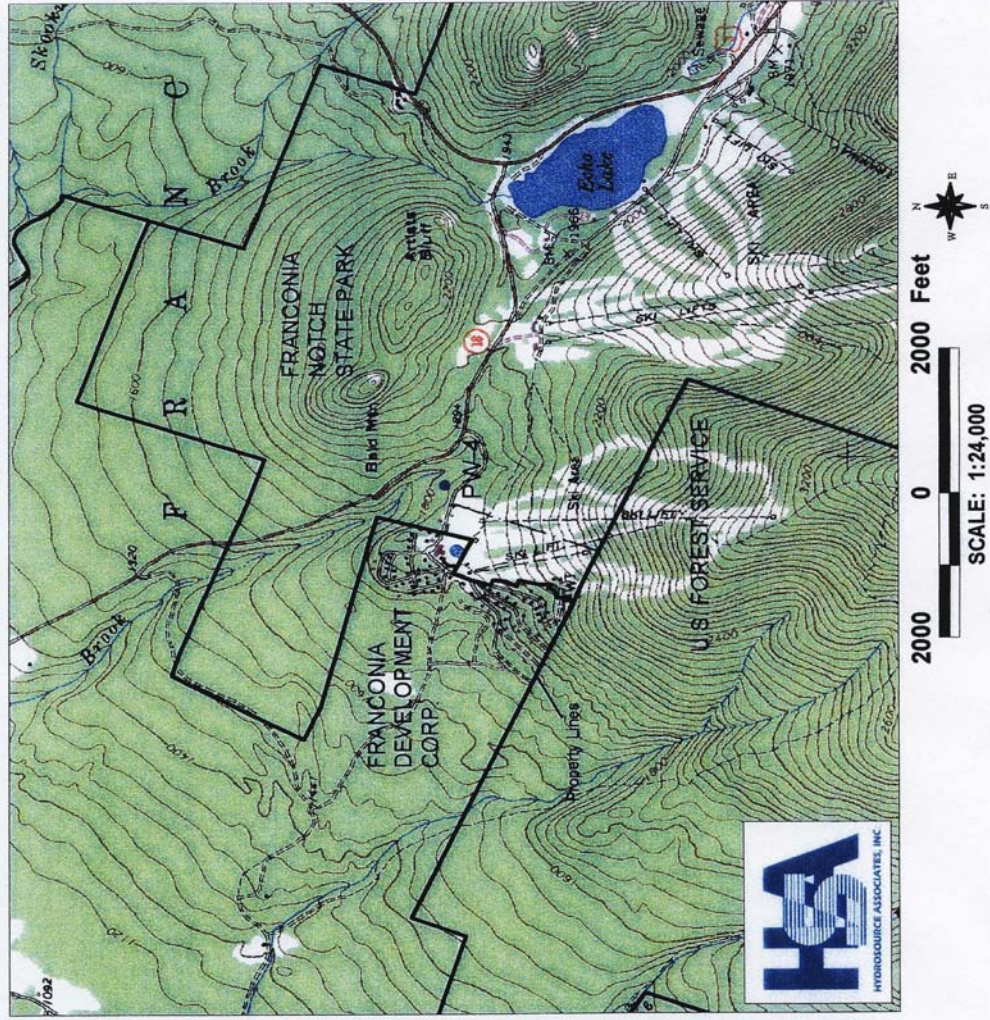


Figure 2 - Location of Mittersill Well PW-4 and Sanitary Protective Radius
 Franconia Notch State Park, Franconia, NH

